



PROCEEDINGS

NATIONAL ADVISORY BOARD COUNCIL

March 27 - 29, 1972

Washington, D.C.



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Proceedings : National Adv:
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PROCEEDINGS OF THE NATIONAL ADVISORY BOARD COUNCIL

Washington, D.C.

March 27 through March 29, 1972

Pursuant to the call to meet issued by the Secretary of the Interior on February 3, 1972 (see Appendix No. 1) the National Advisory Board Council for public lands met at Washington, D.C., during the period March 27 through March 29, 1972. Council sessions were held at the Bureau of Indian Affairs Building, 1951 Constitution Avenue N.W. The meeting was conducted by Gene J. Etchart, Chairman, and Burton W. Silcock, Cochairman (see Appendix No. 2 for designation of cochairman and Appendix No. 3 for Agenda).

Those in official attendance at any of the sessions are listed in Appendix No. 4. A roster of Council members at the time of this meeting appears as Appendix No. 5.

Proceedings, Monday morning, March 27

Council members assembled at the Bureau of Indian Affairs Building at 8:30 a.m. Chairman Gene J. Etchart opened the meeting, and introduced the Secretary of the Interior Rogers C. B. Morton.

Secretary Rogers C. B. Morton

"We are in an era of great change and pressure in the whole matter of land use, and the demand for land use planning is here in many forms," Mr. Morton told the Council. "This includes all lands -- public private, and state. There is tremendous pressure for reform."

One of the most sensitive areas is predator control, he pointed out, and there is a need for a better predator control program. Until research can come up with better methods that are environmentally sound, he explained, the Department is increasing its hunting, trapping, and denning efforts in order to hold our own.

In speaking of the need for more realistic and effective legislation for land use and environmental protection, Secretary Morton briefly described the proposed BLM Organic Act* and the proposed

*S. 2401 & H.R. 10049

National Land Use Policy Act *, both before Congress. He asked for support for these bills, and pointed out that "we can work together and put together a new dynamics for the public lands that take care of everybody, improve living quality, provide for better ranges, provide for better management, provide for regulations and authority over indiscriminate use, provide for an orderly mining system of the very precious material that we need to carry on our civilization. Or, we can be at each other's throats and not really get anything done. I choose to take the former route."

Secretary Morton emphasized that the public lands are "the resource that really is the guarantee, or insurance policy, of the future of this country, and how we manage them and how they fit in as an asset to our civilized complex are going to be important factors in what this country is going to look like in the year 2000."

Assistant Secretary Harrison Loesch

Secretary Morton was followed on the program by Harrison Loesch, Assistant Secretary for Public Land Management. Mr. Loesch pointed out that increased interest of the general public in the public lands in recent years means that "we have to take into account not only the various interests of the members of this Council, the various interests of Westerners, but the interests of everyone in the United States."

In explaining that the Department has been preparing itself to take care of foreseeable difficulties, Mr. Loesch mentioned four recent problems -- wild horses, predator management, use of chemicals, and off-road vehicles. "All are long-standing problems; all came to a head with very startling suddenness," he said. "If we hadn't done a lot of homework ahead of time, I think we would have been swallowed up."

However, he emphasized that, "our major concern has been to take a comprehensive look at the public lands as a whole, and at their basic needs, and to plan for the future." What is lacking in planning for the future, he indicated, is a definitive land policy to provide for proper and orderly public land management. The proposed BLM Organic Act, he stated, would provide the means to attain this goal.

Internally, the Department has concentrated on building a sound administrative and program foundation, he explained. "We have stressed full professionalization of the Bureau of Land Management, coupled with sensitive responsiveness to the public. For the first time in its history, all key positions in the Bureau are staffed by career professionals. The Bureau's public participation processes have been expanded and strengthened, and I think the only failure,

* S. 992 & H.R. 4332

and that was not our fault, . . . was in connection with the predator control decision."

Mr. Loesch concluded by pointing to the efforts made by the Department and the Bureau in upgrading the significance of the National Advisory Board Council and State advisory boards. "The response has been very pleasing," he said, and added "I think that your role in the future is going to be even more important."

Following a brief intermission, Burton W. Silcock, Director of the Bureau of Land Management, spoke on the programs and progress of the Bureau.

Director Burton Silcock

Citing the need for legislation to enable the Bureau to "cope adequately with the dynamics of the '70s," Mr. Silcock said that the Organic Act would "give us a new charter for the '70s and on into the '80s in connection with management of the public lands" He pointed out that one advantage of modernizing the public land laws would be the clean up of some old legislation no longer needed -- such as the Homestead Act and the Desert Land Act.

Stressing the importance of a balanced, coordinated plan for Bureau operations, he spoke of: the need to complete the first generation management framework plans; the need to accelerate such plans as allotment management plans and watershed plans; the money and manpower being spent on preparing environmental impact statements, for which the Bureau has no appropriation or additional personnel; and, the necessity to develop better impact statements "so we are preparing an umbrella sort of statement covering our range management, forestry, oil and gas leasing, coal leasing, and so on."

Mr. Silcock pointed to several areas upon which the Bureau is concentrating. One, he said, is the updating of agreements with other Federal agencies, such as the Bureau of Reclamation, the Corps of Engineers, and the Forest Service. Another involves strengthening the ability of advisory boards to participate effectively in the Bureau's decision-making process.

Still another problem area, he continued, involves management activities requiring special attention because of recent legislation or critical situations. These include the Alaska Native Claims Act, the Wild Horse and Burro Act, off-road vehicle use, and the management of critical areas. He stressed the need to formulate comprehensive program plans in our energy fields.

In conclusion, Mr. Silcock said that the Bureau also is trying to

"give enough attention to all of our activities so that we don't wind up with additional crisis situations. In other words, a balanced program to permit us to move forward on all fronts on a balanced basis."

Proceedings, Monday afternoon, March 27

In the afternoon, the Council met in executive session to consider the report of the Restructuring Committee. Mr. Brunel Christensen, Council member from California and Chairman of the Restructuring Committee, presented a resolution that would recommend reduction of total membership of the Council from 42 to 36, and alter its composition. Discussion followed, after which a roll call vote was taken on the Committee's proposal. The motion carried by a vote of 30 to 10, with two absent. Appendix No. 6 contains the text of the resolution.

Proceedings, Tuesday morning, March 28

Report on Legislation

Mr. D. Michael Harvey, Chief, Division of Legislation and Regulatory Management, Bureau of Land Management, reported on proposed legislation.

Mr. Harvey discussed legislation before Congress that affects land use and the resources -- in particular the National Land Use Policy Act and the National Resource Land Management Act (often referred to as the "BLM Organic Act").

With respect to the National Land Use Policy Act, which applies to non-Federal lands only, he explained that it proposes a grant program to States to encourage them to develop and make land use plans and programs for areas of critical environmental concern, key facilities, and land use of regional significance. The program grants would be for not more than two years, to be followed by annual management grants. Criteria for the programs would be established by the States. Under an amendment recommended by the President in February, there would be sanctions against States that did not participate in the program -- a reduction in Federal assistance for airport and highway construction and recreation facilities, amounting to 7 percent in FY 1976, 14 percent in FY 1977, and 21 percent in FY 1978.

A key factor in this Act for Federal lands, according to Mr. Harvey, is the requirement that once a State plan is approved, the Federal agencies who administer land would have to conform their activities to the State plan, except in cases of overriding national interest.

Mr. Harvey briefly described other proposed legislation affecting the public lands and emphasized that the Bureau is most concerned with the Organic Act because, to date, Congress "has never established a comprehensive set of goals and objectives for the lands administered by BLM." The Organic Act, he said, would provide for comprehensive land use planning, management under principles of multiple use and sustained yield, environmental protection, intergovernmental coordination, public participation, and sound administrative procedures."

Mr. Harvey also pointed out that the Organic Act is specifically designed to complement the proposed National Land Use Policy Act and, in addition, "would provide a broad framework for any legislative proposals dealing with specific uses or resources which might come later -- for example, grazing, timber production, or mining."

The National Resource Lands Management Act, he explained, would repeal the old land disposal laws, replacing them with modern disposal authority. This would authorize sales of national resource lands at not less than appraised fair market value. The Act also would: require the reservation of minerals on lands sold under the Act; authorize acquisition of lands necessary to effectively carry out authorized programs, or for blocking up existing land holdings; and, enhance the management of national resource lands by making violation of laws or regulations pertaining to them a crime, and by vesting enforcement authority in certain Departmental employees. The law also would require public participation in the formulation of standards and criteria in preparing plans and programs, and in managing national resource lands. It also would authorize the Secretary to establish and consult such advisory boards and committees as he deems necessary, and extend the Administrative Procedures Act to the promulgation of rules and regulations for the national resource lands.

Mr. Harvey also discussed the Public Land Policy Act*, which would apply to all lands owned by the Federal Government, and would reassert the Congressional policy that the public lands "be retained and managed or disposed of, all in a manner to provide the maximum benefit for the general public."

Mr. Harvey explained that the Act would establish detailed administrative procedures, establish a system of advisory boards for each Department and Bureau, and additional boards at each organizational level of each Bureau. It also would establish a detailed system of regional coordination, direct all Federal agencies to develop comprehensive land use plans, authorize the

*H.R. 7211

Secretary to make withdrawals of not more than 5,000 acres, and establish rules for judicial review of administrative decisions.

Revision of the Mineral Laws

Dale E. Zimmerman, Division of Upland Minerals, Bureau of Land Management, spoke in detail about the mining and mineral leasing laws, and the legislation proposed to modernize them. He mentioned the three basic goals in the disposal of mineral resources: insuring the receipt of fair market value for the resource; orderly and timely development of the resources; and, protection of the environment in order to minimize adverse impacts.

"None of these goals relating to mineral development are realized under the present mining laws," Mr. Zimmerman said.

"The only tool really available to the Federal Government to obtain even a part of these goals is persuasion. Persuasion really does not amount to much if you do not have a stick to back it up." Stressing the need for basic reform legislation, he pointed out that the present mining law is 100 years old and the Mineral Leasing Act is more than 52 years old. Although both have been amended in the past, he said, the amendments to a large extent have been to accommodate a special problem or interest and did not involve basic change.

Discussing proposed mining legislation* now before Congress, Mr. Zimmerman explained that it would:

1. Apply to the same classes of land to which the 1872 law now applies, with the exception that land may be removed by the Secretary from application of the Act to provide for higher use to protect or enhance the environment.
2. Apply to all classes of minerals to which the 1872 law now applies, unless the proposed mineral leasing bill is also enacted, in which case certain minerals, such as sulphur, and construction minerals, would be leasable or salable.
3. Authorize issuance of prospecting licenses, good for two years, covering an entire State, with a reasonable fee to be charged.
4. Authorize exploration, development, and production permits. Each permit would be limited to 640 acres and a permittee could hold no more than 20,480 acres in a State. The permit would be for a five-year term with the option to renew for another five years, would be subject to conditions for protection of the environment, and would require a minimum three

*S. 2727 & H.R. 11527

percent royalty on gross value.

5. Authorize issuance of patents for mineral deposits upon the showing of existence of a commercial deposit.

6. Authorize issuance of surface leases to miners and give mining patentees a preference right to purchase the surface if it is offered for sale.

7. Require issuance of environmental regulations, and require permittees and patentees to submit operating and reclamation plans consistent with these regulations.

8. Require recordation of all mining claims within one year. Unrecorded claims would become void.

9. Provide for payment of $37\frac{1}{2}$ percent of all revenues received from exploration, development, and production permits and patents to the States in which the lands are located.

Mr. Zimmerman also outlined features of the 1920 Mineral Leasing Act which now cause problems.

The proposed Mineral Leasing Act* now before Congress, Mr. Zimmerman said, would:

1. Apply to all classes of lands applicable to the 1920 Act, and also to lands not now covered -- notably those for military purposes and those within incorporated towns and cities.

2. Apply to all presently leasable minerals plus sulphur, certain compounds now in controversy, calcium, magnesium, and construction minerals.

3. Require issuance of prospecting licenses for a reasonable fee, granting no rights or privileges other than to prospect and remove samples. Such licenses would not permit significant surface disturbance.

4. Provide for exclusion of lands from leasing for the purpose of providing for a higher use; or for protecting or enhancing environmental quality.

5. Authorize disposition of construction minerals by lease or sale, and require payment of rentals and royalties.

*S. 2726 & H.R. 11526

6. With certain exceptions, require disposal of minerals by competitive bidding.
7. Require issuance of environmental regulations.
8. Preserve the individual State's present share of mineral receipts.

Predator Control and Wild Horses and Burros

George D. Lea, Chief, Resource Coordination Staff, Bureau of Land Management, spoke to the Council on two subjects: (1) Executive Order 11643, Environmental Safeguards on Activities for Animal Damage on Federal Lands; and, (2) the Wild Horse and Burro Act.

He pointed out that Executive Order 11643 establishes a policy that Federal predator damage control programs be conducted in a manner which contributes to the conservation and protection of the Nation's wildlife resources, including predatory animals. He also pointed out that the Order contains three key provisions which restrict the use of:

1. Chemical toxicants for the purpose of killing predatory mammals or birds on Federal lands;
2. Chemical toxicants on Federal lands which cause any secondary poisoning effects that could kill other mammals, birds, or reptiles; and,
3. Toxicants in any Federal programs of mammal or bird damage control that may be authorized by law.

"There are some exceptions to these restrictions," Mr. Lea explained, "where the use of chemicals is required to protect human life, health, and safety or to preserve wildlife species that are threatened with extinction or likely to become threatened, or to prevent substantial irretrievable damage to nationally significant resources."

Following issuance of the Executive Order, Mr. Lea continued, the Secretary of the Interior proposed legislation which would abolish direct Federal participation in the predator control program. This legislation has three key elements:

1. The Secretary of the Interior, to assist States in controlling damage by predatory animals and to encourage State use of control methods consistent with principles of wildlife management and maintenance of environmental quality, would be authorized to conduct directly, or by agreement with qualified agencies or institutions, a program of research concerned with control and conservation of predatory animals

and the abatement of damage caused by such animals.

2. The Secretary of the Interior would be authorized, for three fiscal years following enactment of the legislation, to authorize financial assistance to any State to administer a program for control of predatory animals, provided that the Secretary could not support any State program which entails use of chemical toxicants.

3. Prohibits persons using chemical toxicants on any Federal lands for the purpose of controlling any other mammals, birds, or reptiles. The legislation would provide authority for field use of chemical toxicants in an emergency situation.

The Secretary has prepared several regulations. The first would restrict the use on public lands by all persons of chemical toxicants for the purpose of killing predatory mammals or birds, and those which have secondary effects. The second would make grazing privileges subject to reduction or cancellation where a grazer has violated any Federal or State law or regulation concerning the conservation or protection of natural resources or the environment -- where public lands are involved, and where the violation or failure to comply is related to his grazing use. The third restricts the use of chemical toxicants on the public lands by the holder of grazing privileges, or his agent, for the purpose of killing predatory mammals or birds or which would have secondary poisoning effects. Grazing privileges would be subject to reduction or cancellation for the unauthorized use of such chemicals. Mr. Lea pointed out that the Department of Agriculture had published similar proposed regulations.

In looking to the future, Mr. Lea said, "We anticipate that under new programs for predator control, there will be a renewal of interest on the part of States, associations and individual stockmen, especially in sheep producing areas, in assuming the responsibility for predator control. Some efforts are being made in some States to reestablish the bounty system. We can assume increased control efforts will be made using the traditional methods of trapping, shooting and denning in order to compensate for the banned poisons."

Mr. Lea also pointed to action taken by the Environmental Protection Agency. On March 18, EPA published orders which:

1. Cancelled and suspended immediately the registration of all products containing thalium sulphate for all uses and barred the products from shipment in interstate commerce.

2. Cancelled and suspended immediately the registration of all

products containing sodium fluoroacetate (1080) sodium cyanide or strychnine for use against mammalian predators.

3. Required that 1080, cyanide and strychnine be recalled and the labels changed so that they reflect the regulation that they cannot be used against predators.

With respect to the new Wild Horse and Burro Act, Mr. Lea reported that a number of steps have been taken. "First," he said, "we have published a notice in the Federal Register which is a public notice that the Act is in effect, and it lists the prohibitions and the penalties for violations. Secondly, we sent a letter to all of the Western Governors requesting their cooperation in administering the Act. Third, draft proposed regulations are being developed and have been circulated. Following a field review, these regulations will be published in the Federal Register and time allowed for the public to comment."

Mr. Lea also reported that interim instructions had been sent to the Bureau's field offices, and that work was well along in a Forest Service-BLM effort to establish a charter for the Wild Horse and Burro Advisory Board. "This charter," according to Mr. Lea, "will set forth the composition, selection procedures, duties, functions and reporting procedures for the Joint Advisory Board."

Budgets and Programs

Paul Vetterick, Chief, Division of Budget and Program Development, Bureau of Land Management, discussed both the BLM Fiscal Year 1973 budget and the Bureau's outlook for Fiscal Year 1974.

Prior to talking about the FY 1973 budget now before Congress, Mr. Vetterick listed some important items that do not, for various reasons, appear in the budget. Among these were:

- Full capability to deal with requirements of the National Environmental Policy Act. "We estimate that we have had to siphon off approximately \$900,000 from other existing programs just to meet the minimum basic requirements of the legislation."

- Capability to implement the Wild Horse and Burro Act. "This legislation was passed after formulation of the FY-1973 budget and, therefore, no increased monies have been identified for implementing it."*

- An adequate level of funding to protect the historic and archeological resources on the public land, as directed by Executive Order.

* Funds were later added by the Appropriation Committees

-- No additional capability for continuation of our management program.

According to Mr. Vetterick, some of the major items covered in the FY-1973 budget submitted to Congress are: a major increase to facilitate management of the Outer Continental Shelf leasing program; an increase to microfilm, catalog, and make easier retrieval of land records in the eastern States; a major increase to implement the Alaskan Native Claims Settlement Act; an increase to improve our fire protection facilities; a land planning item to help States accelerate their land-use planning in conjunction with Federal participation; and, some increases in general administration necessary to adequately administer other on-going programs. "Our 1973 fiscal year receipt estimates are to the tune of \$3.8 billion dollars," he said. "Against this, we have a budget of approximately \$112 million."

Speaking of the Bureau's FY-1974 program, Mr. Vetterick told the Council: "We are hopeful in 1974 that we will have a program to accelerate some of the more important programs. One of the most important is our inventory and planning program. There will be a major effort proposed in 1974 for developing management framework plans, for developing activity or actual plans, and for use of earth satellite resources to improve our technique of evaluating resources and making decisions on them."

He also said that there are major efforts proposed for: environmental analysis, education, and protection; wildlife resources; maintenance of facilities, including watershed structures; and a speed-up of the allotment management program. In addition, he pointed out, the Bureau must maintain its recreation sites and clean up undeveloped sites, do a better job of maintaining its roads, and survey for more effective and intensive management. "We also are trying to accelerate such things as geothermal steam leasing, leasing on the Outer Continental Shelf, and leasing of oil shale, principally in Colorado, Wyoming, and Utah," he said. "There are minor program interests in forest management and development, and in a land exchange program to block up Federal units so that we can manage the land more effectively, as well as a program to implement legislation dealing with wild horses."

A summary of the Bureau's Fiscal Year 1973 budget submission to Congress is included as an insert to these Proceedings, as is an information memo concerning recent Congressional action on the Bureau's requests.

Associate Solicitor David Lindgren

The Tuesday morning session concluded with a talk by Mr. David Lindgren, the Associate Solicitor, Department of the Interior.

Speaking of the National Environmental Policy Act, which became effective January 1, 1970, Mr. Lindgren told the Council: "It has been obvious, from what has occurred during the last two years, that this statute probably has had a more pervasive effect than any other law that has been passed by the Congress, at least in such a short period of time."

He discussed in particular two aspects of the Act, one of which he called procedural, and the other, substantive. The procedural aspect, he explained, has been the subject of most of the lawsuits.

"Basically, the Act provides that for every major Federal action that may have a significant effect on the human environment, a so-called environmental impact statement must be prepared," he said. "This requirement itself has been the one that has been the subject of most of the litigation, and one thing that is becoming increasingly clear from the litigation is that an impact need not be extremely significant to be significant, and that an action need not be particularly major to be major."

Among the injunctions granted by the Courts, he pointed out, were those involving obviously major actions, such as the Outer Continental Shelf leases and the Trans-Alaska Pipeline. Lesser ones include the construction of a road in a national forest and a single high-rise apartment. "What we are coming to," he said, "is that more and more of the activities of the Federal Government are coming within the purview of the requirement for preparation of the environmental statement." Such statements are being prepared, he told the Council, for such things as extensions of runways, FAA grants, roads, land exchanges, off-shore sales, etc.

Stressing the difficulty of determining exactly what actions are within the confines of the statute, Mr. Lindgren said that the Department is attempting to comply with the Act and is doing everything it can to make certain that it reads the Act properly, and that it fulfills both the spirit and the letter of the Act. However, it has not always been successful in interpreting its obligations under the Act. "It is a very open-ended statute," he said. "It is receiving a very broad interpretation by the Courts."

Speaking of the substantive aspect of the Act, Mr. Lindgren explained that it dictates a part of the decision-making process. "The environment must be considered in everything that the Federal Government does," he said. He went on to say that there will be many decisions to be made that will require environmental impact statements. He gave as examples oil and gas operations, mining operations, range management, and pesticide control.

In conclusion, Mr. Lindgren told the Council that, on the whole,

the Department views the Act as a good one because it brings the environment into consideration. "However," he added, "it does have the unfortunate side effects of slowing things down considerably, and I think for those who are dealing with the Government in the area of resource utilization, this is a fact that they must remember. The environmental impact procedure is time-consuming (a minimum of 90 days plus the time necessary to prepare a draft statement) and people should be aware that it may be necessary to set their plans accordingly. In other words, get to us early."

Proceedings, Tuesday afternoon, March 28

After lunch, the five standing committees of the Council met for the balance of the afternoon and prepared a series of recommendations for consideration of the Council membership. A committee membership roster is included as Appendix No. 7.

Proceedings, Wednesday morning, March 29

Beginning at 8:00 a.m., the Chairman of the Council's five standing committees presented their recommendations. Recommendations that were adopted are included as Items No. 1 through No. 21, Appendix No. 8.

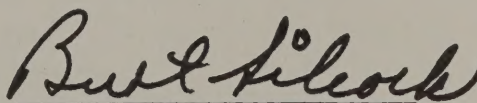
Following the committee reports and adoption of resolutions, the Council met in executive session for the purpose of electing officers for the coming year. Mr. Gene Etchart, Chairman, and Mr. Clarence Quinlan, Vice-Chairman, were re-elected and Mr. Pete Cline was elected Council Treasurer.

The meeting adjourned at 12:35 p.m.

I certify that I attended the proceedings of the National Advisory Board Council herein reported and that this report is an accurate summary of the matters discussed and the conclusions reached. The detailed records of this meeting are on file in the Office of the Director, Bureau of Land Management, Washington, D.C. 20240.

AUG 14 1972

(Date)



Burton W. Silcock
Cochairman and Director,
Bureau of Land Management



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

Appendix No. 1

February 3, 1972

Memorandum

To: Members, National Advisory Board Council

From: Secretary of the Interior

Subject: Call to Meet

To review, consider, and advise on programs for the management of public land resources, the National Advisory Board Council will meet in Washington, D.C., beginning March 27, 1972.

The Director, Bureau of Land Management, will provide further details as plans develop.

Rogers C.B. Morton



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

Appendix No. 2

February 3, 1972

Memorandum

To: Director, Bureau of Land Management

From: Secretary of the Interior

Subject: Designation of Cochairman, National Advisory Board Council

Pursuant to the regulations of the Department of the Interior set forth in 43 CFR 4114.3-1, the Director, Bureau of Land Management, or his designee, is designated as the Cochairman of the National Advisory Board Council for its meeting to be held in Washington, D.C., beginning March 27, 1972.

Rogers C.B. Morton

AGENDA

NATIONAL ADVISORY BOARD COUNCIL MEETING

WASHINGTON, D.C.

MARCH 27-29, 1972

Monday, March 27

8:30 a.m.: Registration (Room 155, Bureau of Indian Affairs Building, 1951 Constitution Avenue, N.W.)

9:00-9:15 a.m.: Opening Procedures

9:15-9:45 a.m.: Rogers C. B. Morton, Secretary of the Interior

9:45-10:30 a.m.: Management of the National Resource Lands:
Accomplishments and Outlook - Harrison Loesch,
Assistant Secretary, Public Land Management

10:30-11:00 a.m.: BREAK

11:00-11:30 a.m.: BLM Report -- Burton W. Silcock, Director,
Bureau of Land Management

11:30-12:00 noon: Report of the NABC Program and Structure
Committee -- Gene Etchart, NABC Chairman and
Brunel Christensen, Committee Chairman

P.M. (Room 155, Bureau of Indian Affairs Building)

1:30-4:30 p.m.: Executive Session, Composition of the National
Advisory Board Council

Tuesday, March 28

A.M. (Room 155, Bureau of Indian Affairs Building)

9:00-9:30 a.m.: Report on an Organic Act for BLM, Land Use
Planning -- D. Michael Harvey, Chief, Division
of Legislation and Regulatory Management

9:30-10:00 a.m.: Report on Minerals Legislation - Dale Zimmerman,
Chief, Branch of Upland Minerals

10:00-10:30 a.m. BREAK

Tuesday, March 28, cont'd

- 10:30-11:00 a.m.: Report on Wild Horses, Predators -- George Lea,
Chief, Division of Range Management
- 11:00-11:30 a.m.: The Budget: Impacts of the NEPA, the 1973
Budget, and 1974 Outlook -- Paul Vetterick,
Chief, Division of Budget and Program
Development
- 11:30-12:00 noon: National Environmental Policy Act: A Lawyer's
Analysis -- David Lindgren, Associate
Solicitor, Public Lands
- P.M. (Meeting rooms as indicated)
- 1:30-4:30: Environmental Protection - Room 3446, Interior
Building
Public Land Users - Room 4119, Interior
Building
Resource Management - Room 155, B.I.A. Building
Information and Education - Room 4417, Interior
Building
Intergovernmental Affairs - Room 5548,
Interior Building
- 6:30 p.m.: No host social and dinner, Orleans House,
1213 Wilson Boulevard, Arlington, Virginia

Wednesday, March 29

A.M.

- 8:00-9:00 a.m.: Resolutions Coordinating Committee
(Room 155, Bureau of Indian Affairs Building)
- 9:00-10:00 a.m.: Committee Reports
(Room 155, Bureau of Indian Affairs Building)
- 10:00-12:00 noon: Executive Session
(Room 155, Bureau of Indian Affairs Building)

Attendance

In attendance at all or some of the meeting of the National Advisory Board Council at Washington, D.C., on March 27-29, 1972, were:

National Advisory Board Council Members:

L. Robert Anderson, Utah, public land law
Robert C. Baum, Oregon, soil and water conservation
J. Robb Brady, Idaho, public information media
Brunel Christensen, California, cattle
V. P. Cline, Colorado, oil and gas
Theodore R. Conn, Oregon, wildlife
Murray Doyle, California, wildlife
Fermin Echeverria, Arizona, sheep
Gene J. Etchart, Montana, cattle
Robert L. Flournoy, California, sheep
Carl A. Gaensslen, Wyoming, wildlife
Kumen S. Gardner, Utah, cattle
Paul Gemmill, Nevada, mining
Henry C. Gerber, Oregon, cattle
Fred A. Gross, New Mexico, wildlife
E. Phil Harvey, New Mexico, cattle
Swend R. Holland, Jr., Montana, sheep
Leonard Horn, Colorado, cattle
Leonard Hoskins, Nevada, wildlife
Newell A. Johnson, Utah, sheep
Donald Kortess, Wyoming, cattle
Harold D. Kreft, Arizona, real estate development
Ted Lee, Arizona, cattle
Francis A. LeSourd, Washington, state-wide
John James Levy, Arizona, wildlife
Robert C. Lynam, Montana, wildlife
Herman J. McDevitt, Idaho, wildlife
Lyman Merkley, Utah, wildlife
Gareth Moon, Montana, forestry
Rolland K. Patrick, Idaho, cattle
John I. Philp, Wyoming, sheep
Clarence H. Quinlan, New Mexico, sheep
Lloyd Rea, Oregon, county government
Gerhard N. Rostvold, California, urban-suburban affairs
Loyd Sorenson, Nevada, sheep
Nick Theos, Colorado, sheep
Mark Wagner, Colorado, wildlife
Harland H. Wendt, Oregon, sheep
Jack Wilbur, Alaska, state-wide
Roy Young, Nevada, cattle

Department of the Interior:

Office of the Secretary:

Rogers C. B. Morton, Secretary of the Interior
Harrison Loesch, Assistant Secretary for Public
Land Management
Curt Berklund, Deputy Assistant Secretary for Public
Land Management
Boyd Rasmussen, Special Assistant to the Secretary
David E. Lindgren, Associate Solicitor, Division of
Public Lands

Bureau of Land Management:

Burton W. Silcock, Director, BLM
George L. Turcott, Associate Director, BLM
Nolan Keil, Assistant Director, BLM
Irving Senzel, Assistant Director, BLM
Eugene V. Zumwalt, Assistant Director, BLM
Edward L. Hastey, Assistant Director, BLM
Frank A. Edwards, Deputy Assistant Director, BLM
Robert J. Smith, Chief, Division of Wildlife, BLM
George D. Lea, Chief, Division of Range, BLM
Theodore G. Bingham, Chief, Division of Lands and Realty, BLM
Dale E. Zimmerman, Chief, Branch of Upland Minerals, BLM
D. Michael Harvey, Chief, Division of Legislation and
Regulatory Management, BLM
John A. Mattoon, Chief, Office of Information, BLM
Paul M. Vetterick, Chief, Division of Budget and Program
Development, BLM
Jerry A. O'Callaghan, Chief, Division of Cooperative
Relations, BLM
Lee M. Laitala, Cooperative Relations Specialist, BLM
Curtis V. McVee, State Director, Alaska
Joe T. Fallini, State Director, Arizona
Charles W. Luscher, Associate State Director, Colorado
J. Russell Penny, State Director, California
Garth Rudd, Director, Denver Service Center
Dale R. Andrus, State Director, Colorado
William L. Mathews, State Director, Idaho
Edwin Zaidlicz, State Director, Montana
John F. Wilson, BLM-Director, Boise Interagency Fire Center
E. I. Rowland, State Director, Nevada
W. J. Anderson, State Director, New Mexico
Edward G. Bygland, Director, Portland Service Center
Archie D. Craft, State Director, Oregon
R. D. Nielson, State Director, Utah
Daniel P. Baker, State Director, Wyoming

MEMBERS, NATIONAL ADVISORY BOARD COUNCIL, 1972
 (Revised March 27, 1972)

<u>Name & Address</u>	<u>State</u>	<u>Interest</u>
L. Robert Anderson P.O. Box 1057 Monticello, Utah 84535	Utah	Public Land Law
Robert C. Baum Bank of California Towers Room 824 707 S.W. Washington Street Portland, Oregon 97205	Oregon	Soil and Water Conservation
J. Robb Brady Route 3, Sunnyside Road Idaho Falls, Idaho 83401	Idaho	Public Information Media
Fred Brailsford Buhl, Idaho 83316	Idaho	Livestock
Brunel Christensen Likely, California 96116	California	Livestock
V. P. Cline Chevron Oil Company 1700 Broadway P.O. Box 599 Denver, Colorado 80201	Colorado	Oil and Gas
Theodore R. Conn 621 North 1st Street Lakeview, Oregon	Oregon	Wildlife
Murray Doyle 225 North Roop Street Susanville, California 96130	California	Wildlife
Fermin M. Echeverria 520 East Greenway Road Phoenix, Arizona 86401	Arizona	Livestock
Gene J. Etchart Box 429 Glasgow, Montana	Montana	Livestock

<u>Name & Address</u>	<u>State</u>	<u>Interest</u>
Robert L. Flournoy Likely, California 96116	California	Livestock
Carl A. Gaensslen 290 Sunset Drive Green River, Wyoming	Wyoming	Wildlife
Kumen S. Gardner 292 South 700 West Cedar City, Utah 84720	Utah	Livestock
Paul Gemmill P.O. Box 2498 Reno, Nevada 89505	Nevada	Mining
Henry C. Gerber 329 High Street Klamath Falls, Oregon 97601	Oregon	Livestock
Fred A. Gross 2916 Chama, N.E. Albuquerque, New Mexico 87110	New Mexico	Wildlife
Eldon P. Harvey El Paso National Bank Box 140 El Paso, Texas 79910	New Mexico	Livestock
Swend R. Holland, Jr. Gilt Edge Route Lewistown Montana 59457	Montana	Livestock
Leonard Horn Wolcott, Colorado 81655	Colorado	Livestock
Leonard Hoskins P.O. Box 1087 Elko, Nevada 89801	Nevada	Wildlife
Newell A. Johnson 4501 North Canyon Road Provo, Utah 84601	Utah	Livestock
Donald Kortess Leo Route Hanna, Wyoming 82327	Wyoming	Livestock

<u>Name & Address</u>	<u>State</u>	<u>Interest</u>
Harold D. Kreft 2702 Ricca Drive Kingman, Arizona 86401	Arizona	Real Estate Development
Ted Lee Thatcher, Arizona 85552	Arizona	Livestock
Francis A. LeSourd 1300 Northern Life Tower Seattle, Washington	Washington	Statewide
John James Levy Route 9, Box 90 Tucson, Arizona 85705	Arizona	Wildlife
Robert C. Lynam 501 Palmer Miles City, Montana 59301	Montana	Wildlife
Herman J. McDevitt Box 1664 Pocatello, Idaho 83201	Idaho	Wildlife
Lyman Merkley 220 West 5th South Vernal, Utah 84078	Utah	Wildlife
Gareth C. Moon 2705 Spurgin Road Missoula, Montana 59801	Montana	Forestry
Rolland K. Patrick Castleford, Idaho 83321	Idaho	Livestock
John I. Philp Box 146 Lysite, Wyoming 82642	Wyoming	Livestock
Clarence H. Quinlan Antonito, Colorado 81120	New Mexico	Livestock
Lloyd Rea Baker County Courthouse Baker, Oregon 97814	Oregon	County Government

Appendix No. 5 (cont'd)

<u>Name & Address</u>	<u>State</u>	<u>Interest</u>
Gerhard N. Rostvold 1045 Yale Avenue Claremont, California 91711	California	Urban-suburban Affairs
Loyd Sorenson 591 13th Street Elko, Nevada 89430	Nevada	Livestock
Nick Theos Box 386 Meeker, Colorado 81641	Colorado	Livestock
Mark M. Wagner 2871 Sharon Place Grand Junction, Colorado 81501	Colorado	Wildlife
C. E. Webster 1334 Sunset Boulevard Cody, Wyoming 82414	Wyoming	Business Affairs
Harland H. Wendt Bridgeport, Oregon 97819	Oregon	Livestock
Jack Wilbur 1013 Gilmore Street Fairbanks, Alaska 99701	Alaska	Statewide
Roy Young P.O. Box 588 Elko, Nevada 89801	Nevada	Livestock

RESOLUTION ON RESTRUCTURING OF THE NATIONAL ADVISORY BOARD COUNCIL

Adopted at Washington, D.C., March 27, 1972

- 10 Livestock Representatives (one from each of the ten western public land States)
- 6 Wildlife Representatives (the ten western public land States would be combined into five, two-State areas, each of which would have one representative. The sixth representative would be from Alaska.)
- 1 State of Washington Representative
- 1 State of Alaska Representative (interest other than wildlife)
- 2 Mining Industry Representatives
- 2 Forestry Representatives
- 2 Oil, Gas and Leasable Minerals Industry Representatives
- 3 Outdoor Recreation Representatives
- 2 Urban-Suburban Representatives including representation of real estate development
- 1 Environmental Quality Representative
- 1 Public Information Representative
- 2 County Government Representatives
- 1 State Government Representative
- 1 Soil and Water Conservation Representative
- 1 Public Utilities Representative

36 Total

Each NABC representative would have an alternate to serve in the principal's absence.

COMMITTEE ASSIGNMENTS FOR THE MARCH MEETING1. Environmental Protection

Conn Oregon
 Doyle California
 Christensen California
 Kortess Wyoming
 Sorenson Nevada
 Echeverria Arizona
 Cline Colorado
 Wilbur Alaska

3. Resource Management

Baum Oregon
 Lynam Montana
 Levy Arizona
 Horn Colorado
 Gardner Utah
 Wendt Oregon
 Philp Wyoming
 Moon Montana
 Webster Wyoming

2. Public Land Users

Gaensslen Wyoming
 Wagner Colorado
 Gerber Oregon
 Young Nevada
 Brailsford Idaho
 Flournoy California
 LeSourd Washington
 Gemmill Nevada

4. Information and Education

Gross New Mexico
 Merkley Utah
 Lee Arizona
 Patrick Idaho
 Theos Colorado
 Holland Montana
 Brady Idaho
 Anderson Utah

5. Intergovernmental Affairs

McDevitt Idaho
 Hoskins Nevada
 Harvey New Mexico
 Johnson Utah
 Quinlan New Mexico
 Rea Oregon
 Rostvold California
 Kreft Arizona

RECOMMENDATIONS OF THE NATIONAL ADVISORY BOARD COUNCIL
ADOPTED AT WASHINGTON, D.C.

March 29, 1972

1. Whereas -- Harold K. Johnson has retired from the Bureau of Land Management after more than 30 years of faithful and dedicated service to the public; and

Whereas -- Harold Johnson did for 17 meetings of the National Advisory Board Council over a period of 19 years, conscientiously and effectively organize, support, and facilitate the operation of Council; and

Whereas -- The Council is deeply grateful for his years of hard work, and greatly misses his continued presence;

Be it therefore resolved -- that the National Advisory Board Council unanimously commends Mr. Johnson for a job well done, and wishes him many enjoyable and continued productive years in his retirement.

2. Be it resolved, that the National Advisory Board Council is opposed to establishing any public policy or regulation based on the 1971 Predator Control Report to the Council on Environmental Quality and the Department of the Interior by the Advisory Committee (on Predator Control - 1971) because the supporting discussions on which the Committee bases its recommendations by its own admission are inaccurate, incomplete, of questionable validity, and not compatible with the Multiple Use Theory. Further, that the recommendation which proposes that grazing permits should be suspended or revoked for violation of predator protection regulations, is unfair because the penalty is grossly disproportionate to the offense and the classification of persons regulated is unreasonable, and discriminates against a single class of public land users.

3. The NABC recognizes the increasing pressure on the public lands for a variety of uses, and the need for careful consideration of all uses, needs and values in reaching multiple-use decisions. The NABC also recognizes the need for close coordination between public and private land use. Given this situation, we believe there is a critical need for careful land use planning with full provision for public participation. We, therefore support the principle of State-wide land use planning for both public and private lands, and the Bureau's program for multiple-use planning on public lands.

4. Be it resolved that the NABC urges the Secretary to clarify and

simplify the procedures to be used in determining and defining an emergency as described by Executive Order 11643.

5. The National Advisory Board Council, at session in Washington, D.C., March 29, 1972, reaffirms their position taken in the Boise meeting on predator control and requests that the Department of the Interior protect the domestic livestock industry and wildlife herds, which are potentially endangered by the sudden ban on chemical toxicants and that all available means of control be used. We further recommend the immediate launching of a crash research program, with the objective of establishing an efficient, effective and adequate means of predator control.

6. The NABC recommends that the Secretary of the Interior appoint representation from candidates nominated by the National Advisory Board Council for partial membership on the advisory board established by PL 92-195. These candidates will have specialized knowledge in protection of horses and burros; and/or management of wildlife; and/or animal husbandry; and/or natural resource management.

7. The NABC recommends that the concept of designation of "Ranges" be adopted by the Secretary of the Interior in implementing PL 92-195, and that these ranges be identified through the use of the BLM Planning System and the local Advisory Boards.

8. The NABC recommends that BLM develop a special brochure that would supply information to the people, particularly the young people, regarding wild horses; that this point out the importance of resource management and multiple use as they relate to the wild horses.

9. Whereas, existing law grants rights-of-way for construction of highways over unreserved public lands; and

Whereas, counties establish rights-of-way for construction of highways under this grant as provided by state law; and

Whereas, the Bureau of Land Management is responsible for the management and conservation of the public domain and associated environment quality; and

Whereas, environmental quality cannot be maintained where the law of 1866 (RS 2477) allows for highway construction without restraint; and

Whereas, highways are constructed on the public domain without consultation with the Bureau of Land Management or consideration of environmental quality,

Now, therefore, the National Advisory Board Council urges the

Secretary of the Interior to amend the regulations or, if necessary, petition Congress to amend RS 2477 to provide that highway construction not proceed on public domain unless review and approval of the project is received from the Bureau of Land Management and,

Be it further resolved, that copies of this resolution be forwarded to appropriate members of Congress, the Office of Management and Budget, and the President.

10. It is recommended that the Secretary of the Interior secure sufficient special funding for the BLM to implement Public Law 92-195. At present the BLM must use funds designated for other land management purposes.

11. It is recommended that the Secretary of the Interior encourage the NABC, State Advisory Boards, and local District Advisory Boards to inform the general public concerning public land resource management by education tours, brochures and other public information media.

12. Be it resolved, that the NABC requests the Administration to relax the current restrictions on the expenditure of funds for public information activities. Publications and other information explaining the uses of public lands and the need for protection of these national assets are needed in order to carry out an effective management program.

13. Whereas, the Bureau of Land Management has been charged with enforcement of the recent wild horse and burro law; and

Whereas, abuses on the public lands in the form of littering, vandalism and other damaging acts are increasing rapidly and will require law enforcement activities; and

Whereas, rules and regulations will be forthcoming concerning use of off-road vehicles on the public lands; and

Whereas, the Bureau is not adequately staffed nor trained to take on these added law enforcement duties; and

Whereas, experienced and trained local law enforcement agencies already exist in the public land States,

Be it therefore resolved that the Bureau investigate the feasibility of obtaining the necessary law enforcement on public lands through cooperative agreements and supplemental funding of the appropriate local enforcement agencies.

14. Resolved that the NABC feels that advisory boards improve the administration of public lands and resources and recommends that

the Secretary support legislation giving a statutory basis for advisory boards at all major organizational levels of public lands and resource management.

15. We recommend that the language in the proposed rulemaking of Part 4115.2(i) that reads " . . . grazing land administered by the Bureau of Land Management is involved . . ." be stricken; and that "where such violation or failure to comply on Federal land" be substituted. Also, where it says "(i) Such violation or failure to comply is related to a grazing use authorized by said license . . .", that a substitution be made that would say, "Such violation or failure is directly related to the authorized grazing use."

16. Resolved: The NABC objects to paragraphs 4115.2-1, 4125.1-1, and 4131.2-7 of the Federal Register Notice (43 CFR Part 1720) Program Policy, for the lack of appropriate administrative procedures and because the licensee/permittee is subjected to penalties that may be inappropriate to the scope of violation.

17. This Council favors the licensing of off-road vehicles on Public Lands.

18. The following is recommended for implementing the restructuring of wildlife representation on the National Advisory Board Council:

A. With regard to the dividing of the 10 western states into five, two-State regions, the following States be paired:

Arizona and New Mexico
Colorado and Utah
Idaho and Oregon
Montana and Wyoming
California and Nevada

B. We recommend that five wildlife members from the ten Western States be selected by the Secretary from among the elected State wildlife members of those states. We further recommend that the selections be made in accordance with the State groupings suggested above.

C. We also recommend the appointments be for a two to four-year term to allow for continuity.

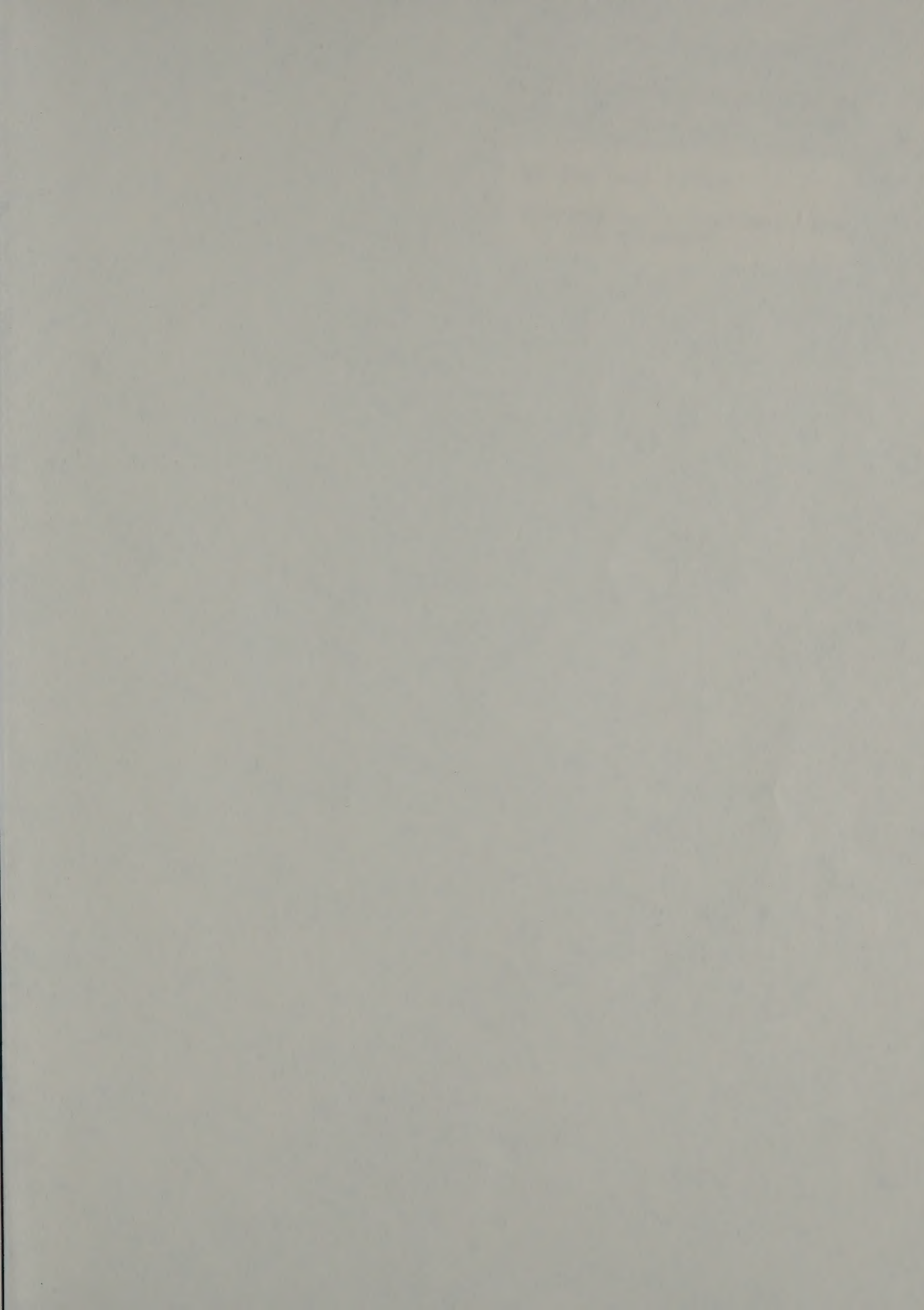
D. We also recommend that the terms be on an alternating basis for the two-year terms; and that when a representative comes from one State, the alternate should be from the other State,

E. We would like to review our recommendations in two years

with regard to the pairings of the two-State groups.

19. Resolved, that the National Advisory Board Council supports regulatory and arrest powers concerning public lands proposed in the Bureau of Land Management's Organic Bill.
20. Be it resolved that the program of the Bureau of Land Management of being aware and cognizant of the abandoned mining shafts and other hazards be continued.
21. The National Advisory Board Chairman and Cochairman select three nominees from the Council for consideration of the Secretary in appointing members to the Advisory Board on Wild, Free-Roaming Horses and Burros.

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